

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03635 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. ABN AMRO SCHWEIZ AG a/k/a AMRO (SWITZERLAND) AG, et al., Defendants.	Adv. Pro. No. 10-03636 (CGM)

FOURTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on August 2, 2022, at

Adv. Pro. No. 10-03635, ECF No. 917; Adv. Pro. No. 10-03636, ECF No. 997 (“Second Amended Scheduling Order”);

WHEREAS, certain of the parties stipulated to the proposed Third Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, submitted on March 24, 2023, at Adv. Pro. No. 10-03635, ECF No. 1016; Adv. Pro. No. 10-03636, ECF No. 1103 (“Proposed Third Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order states, in paragraph 1, “The parties shall finally complete all jurisdictional document productions by August 15, 2022, unless the parties agree to a later deadline”;

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions, including the PJ Motions of UBS Jersey Nominees (“UBS Jersey”) and BNP Paribas (Suisse) SA (*f/k/a* BNP Paribas (Suisse) SA Ex Fortis and BNP Paribas (Suisse) SA Private) (“BNP Paribas Suisse”), to March 31, 2023, which extension was necessary to receive jurisdictional discovery needed to oppose defendants’ PJ Motions;

WHEREAS, the Proposed Third Amended Scheduling Order seeks to extend the Liquidators’ deadline to file briefs in opposition to certain defendants’ PJ Motions to May 12, 2023, which extension was necessary to resolve alleged, possible deficiencies and review any further documents that are produced in consequence of discovery discussions in order to respond to those defendants’ PJ Motions;

WHEREAS, the Liquidators wish to continue to negotiate discovery issues with respect to productions from UBS Jersey;

WHEREAS, the Liquidators seek sufficient time in which to resolve the issues before responding to UBS Jersey’s PJ Motion;

WHEREAS, UBS Jersey consents to extend the deadline for the Liquidators to file an opposition brief to its PJ Motion from March 31, 2023 to May 12, 2023;

WHEREAS, the Liquidators filed certain motions for sanctions against BNP Paribas Suisse;

WHEREAS, on March 15, 2023, the Court granted those motions for sanctions;

WHEREAS, the Liquidators require additional time to prepare their response to BNP Paribas Suisse's PJ Motion in light of the Court's ruling;

WHEREAS, BNP Paribas Suisse does not oppose an extension to the deadline for the Liquidators to file an opposition brief to its PJ Motion from March 31, 2023 to May 12, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, the Liquidators must provide 30-days' notice to UBS Jersey and BNP Paribas Suisse should Liquidators choose to file their oppositions to UBS Jersey's and BNP Suisse's PJ Motions prior to March 31, 2023;

WHEREAS, pursuant to the Second Amended Scheduling Order, UBS Jersey and BNP Suisse must file their replies in further support of their PJ Motions within 90 days of service of an opposition; and

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The Liquidators shall file their oppositions to UBS Jersey's and BNP Suisse's PJ Motions by **May 12, 2023**, with 30 days' notice to UBS Jersey and BNP Suisse (or with consent to a shorter notice period) should Liquidators choose to file their opposition to those defendants' PJ Motions prior to **May 12, 2023**;

2. UBS Jersey and BNP Suisse shall file their respective replies in further support of their PJ Motions within 90 days of service of an opposition with respect to their PJ Motions,

provided that upon agreement between the Liquidators and the respective defendant a reply may be filed at a later date not to exceed 90 days after the **May 12, 2023** deadline for the Liquidators' opposition brief;

3. The Court shall hear argument with respect to UBS Jersey's and BNP Suisse's PJ Motions at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motions; and

4. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, and all other provisions of the August 2, 2022 Second Amended Scheduling Order and, pending entry by the Court, the Proposed Third Amended Scheduling Order remain in full force and effect.

Dated: March 31, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge